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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Keith Carson, et al.,

10 Plaintiffs,

11 v.

12 Tonya Marie Norrod,

13 Defendant.  
14

No. CV-24-08194-PCT-KML

**ORDER**

15 Defendant Tonya Marie Norrod filed what she titled a “Notice for Removal from  
16 Lower Court Pursuant to 28 U.S.C. § 1446 and Writ of Quo Warranto.” (Doc. 1.) Norrod  
17 also filed an application for leave to proceed in forma pauperis. (Doc. 2.) Norrod is entitled  
18 to proceed without prepaying fees or costs, but this case is dismissed or, if appropriate,  
19 remanded.

20 Norrod’s initial filing appears to be an attempt to remove a traffic case pending in  
21 Prescott Valley Magistrate Court. (Doc. 1 at 2.) The traffic ticket Norrod received appears  
22 to allege one criminal and two civil citations. (Doc. 1 at 7.) “[T]he ability to remove a  
23 criminal state court action to federal court is strictly limited—a state prosecution may be  
24 removed to federal court only under the narrow circumstances set forth in 28 U.S.C.  
25 §§ 1442, 1442a, and 1443.” *United States v. Raquinio*, No. CV-23-00231-JMS-WRP, 2023  
26 WL 3791638, at \*2 (D. Haw. June 2, 2023). Because Norrod does not assert she is a federal  
27 officer or a member of the United States armed forces, the only possible basis for removal  
28 is 28 U.S.C. § 1443(1). To remove under that statute Norrod needed to satisfy a two-part

1 test. First, Norrod had to “assert, as a defense to the prosecution, rights that are given to  
 2 [her] by explicit statutory enactment protecting equal racial civil rights.” *Id.* (quoting *Patel*  
 3 *v. Del Taco, Inc.*, 446 F.3d 996, 999 (9th Cir. 2006)). Second, Norrod had to “assert that  
 4 the state courts will not enforce that right, and that allegation must be supported by  
 5 reference to a state statute or a constitutional provision that purports to command the state  
 6 courts to ignore the federal rights.” *Id.* (quoting *Patel*, 446 F.3d at 999). Norrod has not  
 7 made a sufficient showing of either part of this test and the case must be dismissed or  
 8 remanded.<sup>1</sup>

9 Accordingly,

10 **IT IS ORDERED** the Application for Leave to Proceed In Forma Pauperis (Doc.  
 11 2) is **GRANTED**.

12 **IT IS FURTHER ORDERED** this case is **DISMISSED** or, if appropriate,  
 13 **REMANDED** to the Prescott Valley Magistrate Court. The Clerk of Court shall send a  
 14 copy of this Order to Prescott Valley Magistrate Court, 7501 E. Skoog Blvd., Room 112,  
 15 Prescott Valley, AZ 86314.

16 Dated this 25th day of October, 2024.

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 20 **Honorable Krissa M. Lanham**  
 21 **United States District Judge**

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 28 <sup>1</sup> It is not clear whether the case was removed or if Norrod merely labeled her initial document as a “notice of removal.” Whether the case should be remanded or dismissed, the effect is the same in that Norrod is not entitled to any relief in this court.